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HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) NO. 4354 of 2007

Petitioners	1.	Mohanlal Jhikram aged bout 90 years, S/o Late Shivsahay Jhikram R/o Badi Khajri, Mandla (M.P.)
	2.	Chandra Prakash Bajpai, aged about 47 years, S/o Pandit Ganga Pd. Bajpai, R/o 27 Kholi, Vikas Nagar, Bilaspur (C.G.)
	Versus	
Respondents	1.	State of Chhattisgarh through: Secretary, Ministry of Tribal Welfare Department, D.K.S. Bhawan, Raipur
	2.	The Collector, Bilaspur.
	3.	Registrar, Firms And Society, MP Vindyachal Bhawan, Bhopal MP
	4.	M.P. Vanvasi Sewa Mandal, Through Secretary, M.P. Vanwasi Sewa Mandal, Maharajpur, Mandla M.P.
	5.	Division Officer, M.P. Vanvasi Sewa Mandal, Kapil Nagar, Muktidham Road, Sarkanda, Bilaspur (C.G.)
	6.	Kailash Chandra Jain, So called President; M.P. Vanwasi Sewa Mandal, Mandla, R/o Sat Bharitya Sadan, Dindori (M.P.)

(SB : Hon'ble Shri Justice Satish K. Agnihotri)

Present :- Shri Parag Kotecha, Advocate for the petitioner.
Shri Arvind Dubey, Panel lawyer for the State.

ORDER

(Passed on this 7th day of August, 2007)

1. The petitioners claim to be a life member of the respondent No. 4 Society having its headquarter at Mandla, State of Madhya Pradesh.

2. According to learned counsel for the petitioners, the respondent No. 4 Secretary to M.P. Vanwasi Sewa Mandal, Mandla has conducted the election of office bearers of the Society pursuant to the order dated 3.4.2007 (Annexure P/4) passed by the Registrar of Societies, Bhopal (M.P.). Thereafter, the respondent No. 6 who claims to be the President of M.P. Vanwasi Sewa Mandal, Mandla has

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conducted the election of office bearers on his own, without any instructions/order from any authority. Thus, the election conducted by the respondent No. 6 be declared as bad and invalid.

3. It is admitted case of the petitioners that the Government authorities have not passed any order on the basis of the election allegedly conducted by the respondent No. 6. The election conducted by the respondent No. 4 on the basis of the order dated 3.4.2007 is a valid election.

4. Be that as it may, the grievance of the petitioners is against the respondent No. 6 who claims to be the President of the respondent No. 4 Society registered under the Societies Registration Act.

5. The writ petition deserves to be dismissed on two grounds. Firstly, the cause of action arose in the State of Madhya Pradesh, as the order dated 3.4.2007 was passed by the Registrar, Firms and Societies, Bhopal and headquarter of the Society is at Mandla and holding second election by the respondent No. 6 without any authority does not create any cause of action within the territorial jurisdiction of the State of Chhattisgarh. Secondly, the petitioners are not in a position to establish as which legal right of the petitioners have been infringed by an action of a private party, who has purportedly conducted the election unauthorizely. There is no semblance of any legal right or breach thereof.

6. For the reasons aforementioned, the writ petition is dismissed summarily.

Sd/-
Satish K. Agnihotri
Judge

B/-